

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No. 96 of 2017

Date	Order With Signature Of Judge
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For hg of bail application

06.02.2017.

Mr. Muhammad Iqbal, advocate for applicant
Mr. Abdullah Rajput, A.P.G.

ZAFAR AHMED RAJPUT, J:- Through instant Criminal Bail Application, the applicant Essa Khan son of Behram Khan seeks post arrest bail in Crime No. 441/2016, registered at P.S. Jackson, Karachi, under section 6-9(c) CNS Act, 1997. His earlier bail application was heard and dismissed by learned Special Court No. II (CNS) Karachi, vide order dated 09.01.2017 in Special Case No. 752 of 2016.

2. As per F.I.R., the applicant/ accused was found in possession of 1100 grams charas on 19.11.2016 at 0010 hours at Kala Gate, Gulshan Sikandarabad, Keamari Road, Karachi.

3. Learned counsel for the applicant/ accused has mainly contended that the applicant is innocent and has falsely been implicated in this case; that the alleged quantity i.e. 1100 grams charas is on borderline and the superior Courts have in such like case granted bail to the accused.

4. On the other hand learned A.P.G. has opposed this application on the ground that the applicant is involved in at least

four other cases of similar nature i.e. F.I.R. Nos. 92/2016, 40/2016 and 325/2014, registered at P.S. Jackson, under C.N.S. Act, while in Crime bearing No.56/2016, registered under section 3/4 P.E.H.O. at P.S. Jackson, he jumped out from the bail granted by the learned Judicial Magistrate-6th Karachi-West and subsequently he was declared as proclaimed offender in that case/ crime.

5. It appears that the accused was found in possession of 1100 grams charas, which is punishable under section 9(c) of the C.N.S. Act, 1997. The alleged offence is not bailable. Admittedly, the applicant/ accused is involved in number of cases for allegedly possessing narcotics. Not only he has misused the concession of bail, granted to him in aforementioned Crime No. 56/2016 but also repeated the same offence. It is well settled principle of law that fugitive from law and Courts loses some of the normal rights granted by the procedural and substantive law. Hence this bail application is dismissed accordingly.

JUDGE